

CHAPTER 168.

BOARDS OF HEALTH IN CITIES UNDER SPECIAL CHARTERS.

AN ACT Empowering Cities under Special Charters to Establish H. F. 244.
Boards of Health.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. The mayor and alderma[e]n of each city in this state acting under a special charter shall have full power and authority to appoint a local board of health consisting of three or five members, a majority of whom shall be members of the city council. The mayor of the city shall be ex officio one of said members of the board of health, and the chairman thereof. The manner of the appointment and duration of office of said board shall be determined by the ordinances of said city.

Appointment of
board of health.

Mayor chair-
man.

SEC. 2. The board of health may appoint a physician to the board, who shall hold office during the pleasure of the board. The city clerk shall be the clerk of said board, unless some other clerk may be provided by the ordinances of said city. The said board of health may regulate all fees and charges of the physician and clerk and all persons employed by them in the execution of the health laws, and the rules, regulations, and orders of said board. A majority of the members of said board shall constitute a quorum for the transaction of all business and the exercise of the powers conferred upon said board.

Physician, clerk,
etc., to board.

Quorum.

SEC. 3. It shall be the duty of such clerk and physician to report at least once a year to the state board of health the proceedings of such board, and such other facts as may be required, on blanks in accordance with instructions received from the state board. They shall also make special reports whenever required so to do by the state board.

Reports to state
board of health.

SEC. 4. Said local board of health may make such regulations, rules, and orders respecting nuisances, sources of filth, and cases of sickness within their jurisdiction, and on any boats in their ports and harbors, and for the prevention of nuisances and the preservation of the public health, as said board may judge necessary for the public health and safety.

Rules and regu-
lations.

SEC. 5. Said cities shall have the power and may provide by ordinance for the punishment by fine and imprisonment of any person who shall knowingly violate or fail to comply with any rule, regulation, or order of such local board of health, but the fine shall not exceed one hundred dollars, (\$100.) or the imprisonment thirty days. The prosecutions for the violation of any rule, regulation, or order of such board of health shall be in the name of the city appointing such board of health; and shall be conducted in the same manner and before the same tribunals as other prosecutions for the violation of other ordinances of such city.

Punishment of
violations.

Prosecution.

Abatement of nuisances by owner or occupant of property. SEC. 6. Any such board of health may order the owner or occupant of any property, place, or building, at his own expense, to remove or abate any nuisance, source of filth, or cause of sickness found on such property, within twenty-four hours, or such time as is deemed reasonable, after personal notice shall have been served upon such owner or occupant; and said board of health may, in its discretion, specify in its notice the manner of such removal or abatement of said nuisance, cause of sickness, or source of filth, and if such owner or occupant neglects to comply with such order he may be punished in accordance with the provisions of section 5 hereof.

Same by board. SEC. 7. Whenever the owner or occupant fails to comply with such order, said board may cause the nuisance, source of filth, or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the owner, occupant, or other person who caused or permitted the same to be, and the same shall be a lien upon the said property whereon said nuisance, source of filth, or cause of sickness existed. And the said expenses may be recovered and the lien enforced by a civil action in the name of said city in any court of competent jurisdiction.

Lien for expenses. SEC. 8. Whenever the owner or occupant of such property, place, or building shall not be found in said city, or whenever the said board of health may deem immediate action necessary, the said board may, without notice to such owner or occupant, immediately proceed to remove said nuisance, source of filth, or cause of sickness, and the expense thereof shall be a lien upon such property, place, or building, and the same may be enforced in any court having jurisdiction by an action in the name of the city.

Action without notice. SEC. 9. Whenever any person or persons are engaged in a work, or doing things, or threatening to do things which, in the opinion of the board of health, will result in a nuisance, or in danger to the public health, the said board of health may order said work or the doing of such things to be discontinued, or not to be done, and in case any such person or persons shall fail to comply with any such order after personal service of a notice thereof, such person or persons may be proceeded against and punished under the provisions of section 5 hereof.

Prevention of nuisances. SEC. 10. Whenever any such board of health shall establish any general regulations for the public health, under section 4 hereof, the same shall be published daily for two consecutive weeks in some newspaper of general circulation in such city, and upon the completion thereof the same [shall] be and remain binding and obligatory during the term of office of said board, unless sooner revoked or changed by said board. And no notice of such general regulations shall be necessary other than said before mentioned publication.

Publication of rules and regulations. SEC. 11. Whenever it is necessary, under this act, that any notice be served, the same may be served by any city officer, or by any other person whom the board of health may appoint or designate.

Officer to serve notice.

SEC. 12. The board when satisfied upon due examination that any cellar, room, tenement, or building in said city, occupied as a dwelling-house, has become, by reason of the number of inhabitants, or want of cleanliness, or other cause, unfit for such habitation and the cause of nuisance or sickness to the occupants thereof or the public, may issue a notice to the occupants or any of them, requiring the premises to be put into a proper condition as to cleanliness or health, or, if such board see fit, requiring the occupants to quit or remove from the premises within such time as said board deems reasonable. If the persons so notified neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleaned at the expense of the owners, and such expense shall be a lien on said property, and may be enforced in any court having jurisdiction; or said board may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-house without permission of the board. And the persons notified and failing to comply with the order of the board may be punished in accordance with the provisions of section 5 hereof.

Removal of tenants, and closing premises.

SEC. 13. Whenever by reason of the prevalence of small-pox or other contagious or infectious disease in any such city, or the vicinity thereof, the board of health may deem it dangerous to permit the congregation together of large crowds of people, the said board of health may, with the consent of the city council, by public proclamation published once in some newspaper of general circulation in said city, prohibit the congregation of people in schools, churches, theaters, and in all other buildings in said city, and it shall thereupon become the duty of the principals, teachers, or other persons in charge of said schools, and of the persons in charge of such churches, theaters, or other buildings specified in said publication, to keep the same closed, and to prevent the congregation of people therein; and when small-pox is prevalent in said city or its vicinity, the said board of health may, with the consent of the city council, by notice served upon the teachers or persons in charge of any of the public or private schools, prevent the admission therein of any pupils, until such pupils shall have proved to the satisfaction of the board of health, or the persons by it selected for that purpose, that such pupils have been vaccinated within the past five years or such time as the board may designate. And said board may in like manner prevent the admission of persons not furnishing satisfactory proof of vaccination, into churches, theaters, or other buildings, by notifying the persons in charge thereof not to admit such persons.

Board may prohibit congregation of people, when.

May forbid unvaccinated persons attending schools, churches, theaters, etc.

SEC. 14. Whenever the board of health shall think it necessary for the preservation of the lives or the health of the inhabitants to enter a place, building, or vessel, within its jurisdiction, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make

Proceeding when board is excluded from infected premises.

complaint, under oath, before any justice of the peace, or any tribunal having jurisdiction to enforce the ordinance of such city, whether such judicial officer be a member of said board or not, stating the facts of the case so far as he has knowledge thereof. Such tribunal shall thereupon issue a warrant directed to the sheriff or any constable of the county, or the city marshal, commanding him to take sufficient aid, and, being accompanied by two or more members of said board of health, between the hours of sunrise and sunset, repair to the place where such nuisance, source of filth, or cause of sickness may be, and the same destroy, remove, or prevent under the direction of such members of the board of health.

Isolation of persons having contagious diseases. SEC. 15. When any person coming from abroad or residing within such city shall be infected, or lately shall have been infected, with small-pox or other sickness dangerous to the public health, the board of health shall make provision in the manner by them deemed best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without damage to his health, and by providing nurses and other assistance and supplies, which shall be charged to the person himself, his parents, or other person liable for his support, if able; otherwise at the expense of the county to which he belongs.

Same. SEC. 16. If any afflicted person cannot be removed without danger to his health, the board of health shall make provision for him, as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and take such other means as may be deemed necessary for the safety of the inhabitants.

Removal of such persons, etc. SEC. 17. Any justice of the peace, or tribunal having jurisdiction to enforce the ordinance of such city, on application under oath, showing cause therefor, by any member of said board of health, shall issue his warrant directed to the sheriff or constable of the county, or city marshal, commanding him under the direction of the board of health to remove any person infected with contagious disease, or to take possession of condemned houses and lodgings, and to provide nurses and attendants and other necessities for the care, safety, and relief of the sick.

Meetings. SEC. 18. Every such board of health shall meet for the transaction of business on the first Monday of May and the first Monday of October in each year, and at such other times as occasion may require, and the clerk of said board shall transmit his annual report to the secretary of the [state] board within two weeks after the October meeting. Said report shall embrace a history of any epidemic disease which may have prevailed within his district. The failure of the clerk to prepare or have prepared, and forward, such report shall be considered a misdemeanor, for which he shall be subject to a fine of not more than (\$25) twenty-five dollars.

Penalty for failure to report.

SEC. 19. This act shall not in any way limit the powers of

the cities embraced therein, in relation to matters affecting the public health; and the city councils of said cities may by ordinance provide for the manner of the exercise of the powers herein conferred by said boards of health; and said city councils may at all times require said boards of health to report to them their doings, and may supervise, modify, or rescind their actions, orders, rules, or regulations. Powers of cities not affected. Council to have supervision.

Sec. 20. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and The Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 25, 1882.

I hereby certify that the foregoing act was published in *The Iowa State Leader* March 27, and the *Iowa State Register* March 28, 1882.

J. A. T. HULL, *Secretary of State.*

CHAPTER 169.

TAXATION OF AGRICULTURAL COLLEGE LEASEHOLDS.

AN ACT to Provide for Taxation of Leasehold Estates in Agricultural College Lands. Substitute for S. F. 221.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That in all cases where leases of lands executed by the trustees of the agricultural college have been or shall hereafter be renewed ten years after the date of the original lease has expired, the interest in such lands of the lessee, his heirs, or assigns, shall be subject to assessment and taxation as real property. The value of such interest shall be ascertained by deducting from the value of such lands and the improvements thereon the amount required to be paid by the terms of the lease to acquire the title thereto. Such leasehold interest shall be assessed, taxed, and sold for delinquent taxes, and redemption from such sale be made or tax-deed be issued, in all respects like other real estate, save as herein otherwise provided, with the same rights, liabilities, and effect, and the treasurer's tax-deed shall operate as a full and complete assignment of said leasehold interest to the grantee named in such deed. Leasehold interest taxable. Value, how ascertained. Sale for taxes.

Sec. 2. At any time after such leasehold interest shall have been sold for delinquent taxes the holder of the certificate of purchase may pay any interest or principal due by the terms of the lease, or do any other act necessary to prevent a forfeiture of such lease by the terms thereof, and the proper voucher for such Holder of certificate may pay interest and principal;